

UNITED STATES DISTRICT COURT

DISTRICT OF SOUTH DAKOTA

SOUTHERN DIVISION

FILED
FEB 02 2005

[Signature]
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JAMES G. ABOUREZK, JANE FONDA
and ROXANNE DUNBAR-ORTIZ,

CIV. 03-4146

Plaintiffs,

vs.

ORDER

PROBUSH.COM, INC., a Pennsylvania
Corporation,

Defendant.

Plaintiff, James G. Abourezk, filed a motion to amend his Verified Complaint to add additional parties to this litigation. (Doc. 23.) The parties he seeks to add are: 1) Jane Fonda, plaintiff; 2) Roxanne Dunbar-Ortiz, plaintiff; 3) Ben Marino, defendant; and 4) Michael Marino, defendant. Defendant, ProBush.Com, filed a brief in opposition to the motion to amend and add parties. (Doc. 25.) Subsequently, counsel for Defendant sent a letter to the Court stating that it no longer opposes "Plaintiff's Motion to Amend Verified Complaint to Add Parties Jane Fonda and Roxanne Dunbar-Ortiz as Plaintiffs in this action." (Doc. 29.) The letter, dated January 4, 2005, does not mention Plaintiff's request to add Ben Marino and Michael Marino as Defendants, and no further briefing has been submitted on this issue. It is not clear to the Court whether the parties have reached an agreement to add Ben Marino and Michael Marino as defendants, or whether there are any other objections to the proposed First Amended Complaint. Accordingly,

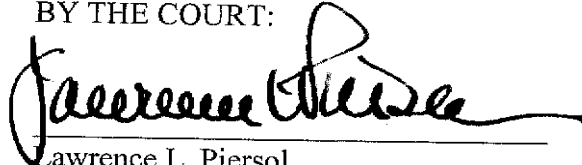
IT IS ORDERED:

1. That the Motion to Amend Verified Complaint and Add Parties (doc. 23), is granted to the extent that Jane Fonda and Roxanne Dunbar-Ortiz are added as plaintiffs;
2. That the caption in this case shall be amended as set forth above;

3. That, on or before February 15, 2005, the parties shall either stipulate to or submit briefs on the issue whether Ben Marino and Michael Marino should be added as defendants in this litigation; and
4. That if Defendant has no objections to the proposed First Amended Complaint, Plaintiffs shall submit an original First Amended Complaint for filing.

Dated this 2nd day of February, 2005.

BY THE COURT:



Lawrence L. Piersol
Chief Judge

ATTEST:
JOSEPH HAAS, CLERK

BY: Shelly Margulies
(SEAL) DEPUTY